

REMARKS

Claims 4-16 are pending in this application. None have been allowed.

At page 3 of the Action, the Examine rejects claims 1-16 as obvious over US 5,084,278 under 35 USC 103(a). In the rejection, the Examiner argues that while the original composition claims include process limitations, the claims can be (and were) rejected over a composition reference. Following that line of reasoning, the Examiner continues at the top of page 4:

Mehta discloses taste masked pharmaceutical compositions. The compositions comprise;

- a. a pharmaceutical core which is further comprised of a pharmaceutically active dose of a compound, and
- b. a microencapsulating polymer which coats the pharmaceutical core and is capable of taste masking the active compound.

The polymeric coating can further comprise diluents, fillers, bulking agents, plasticizers, pigments and opacifiers (abstract).

The cores are in the form of microcapsules (column 2, lines 20-37). The coated microcapsules are used to prepare chewable tablets or capsules (column 2, lines 52-56).

The polymeric coating is preferably a mixture of a least about 5% of a high temperature film forming polymer and about 5% of a low temperature film forming polymer based on the total weight of the polymer in the microcapsule coating. Examples of high temperature polymers include HMPC and numerous Eudragit copolymers (column 4, lines 24-62).

Diluents, including mannitol, in the amount of 0.1-95% by weight of the core material can be included (column 8, lines 3-24). The coating can also comprise a sweetener, such as aspartame in a preferable amount of 0.5% by weight of the total weight of the capsule (column 9, lines 64-68). Flavoring agents including cherry in an amount of a most 2% can also be included (column 10, lines 1-8).

The pharmaceutical core is coated with the taste masking polymer utilizing fluid bed equipment (column 9, lines 1-4).

While applicants disagree with the analysis, applicants seek to amend the claims in order to advance the prosecution of this application. First, applicants have cancelled composition claims 1-3 and amended composition claims 4-5. Applicants

respectfully submit that Mehta '278 does not disclose or suggest the combinations of limitations incorporated into claims 4-5 (and through dependency, claim 6).

Second, applicants have amended claims 7-16 in order to particular point out and distinctly claim the "one-step process" aspect of the invention. That is, claims 7-16 are now process claims. Applicants respectfully submit that their amendments to claims 7-16 renders moot the issues raised by the Examiner. Applicants reserve the right to prosecute cancelled and unclaimed subject matter in a continuing or divisional application.

Having addressed all of the outstanding objections and rejections, applicants respectfully submit that the application is in condition for allowance and passage thereto is earnestly requested. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of this application.

Respectfully submitted,

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